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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 210 (C. 19)**

**SUCCESSION**

**The Succession (Scotland) Act 2016 (Commencement,  
Transitional and Saving Provisions) Regulations 2016**

<i>Made</i>	- - - -	<i>28th June 2016</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>30th June 2016</i>
<i>Coming into force</i>	- -	<i>1st November 2016</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 31(2) and (3) of the Succession (Scotland) Act 2016<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Succession (Scotland) Act 2016 (Commencement, Transitional and Saving Provisions) Regulations 2016 and come into force on 1st November 2016.

(2) In these Regulations—

- (a) “the 2016 Act” means the Succession (Scotland) Act 2016; and
- (b) “the 1964 Act” means the Succession (Scotland) Act 1964<sup>(2)</sup>.

**Appointed day**

**2.**—(1) The day appointed for the coming into force of the remaining provisions of the 2016 Act is—

- (a) 1st November 2016 for sections 1 to 6, 8 to 17, 26, 27 and 29(1), and 29(2) for the purposes of paragraphs 1(1) to (4) and (5)(c), 3 and 4 of the schedule of the 2016 Act, in relation to the estate of any person who dies on or after 1st November 2016;
- (b) 1st November 2016 for sections 7, 23 to 25 and 28, and 29(2) for the purposes of paragraphs 1(5)(a) and (b) and 2 of the schedule of the 2016 Act.

(2) If it is uncertain whether a person died before 1st November 2016 or on or after 1st November 2016 the person is, for the purposes of paragraph (1), to be taken to have died on or after 1st November 2016.

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(1) 2016 asp 7.  
(2) 1964 c.41.

### **Saving and Transitional provisions**

3.—(1) Section 5 of the 2016 Act applies only where the subsequent will, or part of it, referred to in section 5(1)(b) is revoked on or after 1st November 2016.

(2) Sections 6, 8 and 29(1) of the 2016 Act apply only if the will or trust was executed on or after 1st November 2016.

(3) The coming into force of section 25 does not affect a donation that was made before 1st November 2016.

(4) Despite the repeal of section 17 of the 1964 Act by paragraph 1(5)(a) of the schedule of the 2016 Act, it continues to apply to an acquisition which has taken place before 1st November 2016.

(5) Despite the repeal of—

(a) section 24(2) of the 1964 Act by paragraph 1(5)(b) of the schedule of the 2016 Act; and

(b) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968<sup>(3)</sup> by paragraph 2 of the schedule of the 2016 Act,

they continue to apply to a distribution of property which has taken place before 1st November 2016.

St Andrew's House,  
Edinburgh  
28th June 2016

*ANNABELLE EWING*  
Authorised to sign by the Scottish Ministers

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(3) 1968 c.70; section 7 was amended by article 3 of the Family Law (Scotland) Act 2006 (Consequential Modifications) Order 2006 (S.S.I. 2006/384).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force the remaining provisions of the Succession (Scotland) Act 2016. Regulation 2(1)(a) brings the provisions listed into force on 1st November 2016 in relation to the estate of any person who dies on or after 1st November 2016. Regulation 2(1)(b) brings the provisions listed into force on 1st November 2016.

Regulation 3 saves the old law in certain circumstances and makes transitional provision, in particular, to provide that sections 6, 8 and 29(1) apply in relation to the estate of a person who dies on or after 1st November 2016 only if the relevant will or trust was also executed on or after 1st November 2016.

Sections 18 to 22 and 30 to 32 of the 2016 Act came into force on 4th March 2016, the day after the 2016 Act received Royal Assent.